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MAR 14 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT  
CIVIL ACTION NO.: 2013-CP-10-4450

LINDA A. GIBSON, *individually, and in capacity* :  
*as* TRUSTEE OF THE PAUL WILLIAM GIBSON :  
FAMILY TRUST; HERITAGE SEVEN, LLC; :  
SEVEN OAKS APARTMENTS, LLC; and 3205 :  
PALM BOULEVARD, LLC., :

Plaintiffs

vs.

ANDREW K. EPTING, JR., LLC; ANDREW K. :  
EPTING, JR.; GEORGE J. KEFALOS, P.A.; :  
GEORGE J. KEFALOS; GEDNEY M. HOWE, III, :  
P.A.; GEDNEY M. HOWE, III; JOHN S. WEST, :  
ATTORNEY-AT-LAW, LLC; and JOHN S. WEST, :

Defendants

SECOND (8-6-2015) AMENDED  
COMPLAINT

Jury Trial Demand

2015 OCT 22 AM 11:35  
JULIE J. ARMSTRONG  
CLERK OF COURT

FILED

ED

**SECOND (8-6-2015) AMENDED COMPLAINT**

Plaintiffs, Linda A. Gibson, *et. al.*, (collectively "Ms. Gibson" or "Plaintiffs"), by way of second amended complaint hereby allege as follows:

**INTRODUCTION**

This is an action to determine the enforceability of an attorney fee contract; and, if enforceable, to determine whether the fee is excessive. This action arises out of a \$566,666.66 fee disagreement between Ms. Gibson and Defendants relating to a foreclosure and guaranty action that ended in a routine deed-in-lieu of foreclosure transaction.

In early 2010, Ms. Gibson and defendants Mr. Kefalos and Mr. Epting entered into a standard hourly fee arrangement; subsequently, defendants proposed, and the parties agreed, to convert their hourly fee arrangement to a contingent fee agreement, dated April 27, 2010 ("April Agreement"). Exhibit A.

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Plaintiffs

ORDER

vs.

ANDREW K. EPTING, JR., LLC; ANDREW K. :  
EPTING, JR.; GEORGE J. KEFALOS, P.A.,; :  
GEORGE J. KEFALOS; GEDNEY M. HOWE, III, :  
P.A.; GEDNEY M. HOWE, III; JOHN S. WEST, :  
ATTORNEY-AT-LAW, LLC; and JOHN S. WEST, :

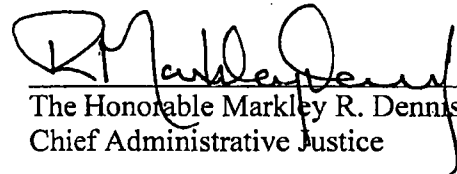
Defendants

FILED  
2015 OCT 29 PM 12:32  
JULIE J. ARSTRONG  
CLERK OF COURT  
BY

**ORDER**

This matter having come before me on the Plaintiffs' Motion to Amend their Complaint styled SECOND (8-6-2015) COMPLAINT, dated August 6, 2015. Present at the hearing were counsel for the Plaintiffs, Mr. James R. Davis, Esq., and counsel for the Defendants, Mr. M. Dawes Cooke, Esq. The Court hereby **ORDERS** that the Plaintiff's Motion is **GRANTED**, and that the Defendants' Answer, or responsive pleading, shall be filed in accordance with the South Carolina Rules of Civil Procedure.

**It is so ORDERED.**

  
The Honorable Markley R. Dennis  
Chief Administrative Justice

Dated: 10/26/2015

**J. DAVIS LAW FIRM, P.C.**

ATTORNEYS AT LAW

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March 8, 2016

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SC Court of Appeals

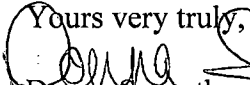
The Honorable Jenny Abbott Kitchings  
The South Carolina Court of Appeals  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: Appeal Fee Dispute Litigation 2013-CP-10-4450  
Appellant Case No: 2016-000432  
Our File No.: 2016057

Dear Ms. Kitchings,

Per your correspondence dated March 2, 2016 and our phone conversation on March 7, 2016, I am enclosing a copy of the filed cover page of the Amended Complaint and a copy of the Order signed by Judge Dennis to clarify the case caption for the Court of Appeals in the above referenced matter. Our office has a copy of the trial transcript of the October 20, 2015 Motions Hearing, by Court Reporter, Susan "Mia" Perron, CVR-CM-M, certified by her on December 28, 2015 and received in our office on December 30, 2015. Enclosed please find also our proof of service to opposing counsel and to the South Carolina Office of the Court Administration. Please feel free to contact me with any further information you may need.

Thank you in advance for your kind attention to this matter.

Yours very truly,  
  
Donna Szczytko

JRD/dhs  
Enclosures  
Cc: M. Dawes Cooke, Esq.

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

MAR 14 2016

SC Court of Appeals

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2013-CP-10-4450

LINDA A. GIBSON, *individually and in capacity*  
*as* TRUSTEE OF THE PAUL WILLIAM GIBSON  
FAMILY TRUST; HERITAGE SEVEN, LLC;  
SEVEN OAKS APARTMENTS, LLC; and 3205  
PALM BOULEVARD, LLC, ..... Appellant,

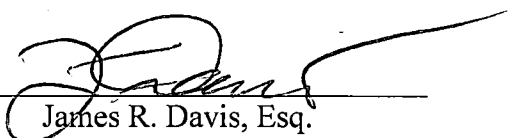
v.

ANDREW K. EPTING, JR., LLC; ANDREW K.  
EPTING, JR.; GEORGE J. KEFALOS, P.A.;  
GEORGE J. KEFALOS; GEDNEY M. HOWE, III,  
P.A.; GEDNEY M. HOWE, III; JOHN S. WEST,  
ATTORNEY-AT-LAW, LLC; and JOHN S. WEST, ..... Respondent.

PROOF OF SERVICE

I certify that I have served a copy of the correspondence verifying the case caption as requested by the Court of Appeals on the South Carolina Office of the Court Administration and on, Andrew K. Epting, Jr., LLC, Andrew K. Epting, Jr., George J. Kefalos, P.A., George J. Kefalos, Gedney M. Howe, III, P.A., Gedney M. Howe, III, John S. West, Attorney-at-Law, LLC, and John S. West, by depositing a copy of it in the United States Mail, postage prepaid, on March 8, 2016 addressed to respondents' attorney of record, M. Dawes Cooke, Esq., of Barnwell Whaley Patterson and Helms, LLC, and to the South Carolina Office of the Court Administration.

March 8, 2016

  
James R. Davis, Esq.  
J. Davis Law Firm, P.C.  
BB&T Plaza, Mail Stop Box #16

234 Seven Farms Drive, Suite 211B  
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(843) 642-8333  
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(843) 577-7700  
Attorneys for Respondent

South Carolina Office of the Court Administration  
1220 Sumpter Street, Ste.201  
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CHARLESTON SC 294

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